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Customer Number

PATENT
Docket No.: 59468US005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

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Serial No.: 10/596,956
Filed: December 17, 2004
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For: ACOUSTO-MECHANICAL
DETECTION SYSTEMS AND
METHODS OF USE

Group Art Unit: 1641

Confirmation No. 2943

Examiner: J. Diramio

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office on and the date indicated below via the Office electronic filing system.

August 17, 2009
Date

/Judy L. Hansen/
Signature Judy L. Hansen

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Office Action dated July 15, 2009, in which the Examiner applied a restriction requirement to Claims 1-22 (Group I); Claims 23-28 (Group II); Claims 29-39 (Group III); Claims 40-45 (Group IV) and Claims 46 and 47 (Group V). Applicants elect to prosecute Claims 1-22 (Group I) without traverse.

In the event Applicants elected Group I, the Examiner required an election of species to a type of flow front control feature from the group of (1) discrete structures (claim 3); (2) channels (claim 4); or (3) hydrophobic material (claim 5). Applicants elect with traverse the discrete structures, which are encompassed by claim 3. Currently, at least claims 1-3 and 6-22 are generic to the elected species.

The Examiner is requested to note that MPEP 809.02 provides that "when a generic claim is subsequently held to be allowable . . . and all claims are embraced by an allowable generic claim . . . Applicant should be advised of the allowable generic claim and that the claims to the non-elected species are no longer withdrawn since they are fully embraced by the allowed generic claim." Thus, the election to claim 3 is with traverse to the extent that it is understood that (a) the requirement will be withdrawn upon the finding of an allowable genus; and (b) any species withdrawn from consideration will be transferred to the elected subject matter unless it is found patentably distinct from the elected or allowed claims. Applicants traverse on the grounds that the generic claim includes sufficiently few related species, i.e., discrete structures, channels and hydrophobic material, that a search and examination of all the species at one time would not impose a serious burden on the Examiner.

If a telephonic interview with the Applicants' undersigned representative would be helpful in resolving any questions, the Examiner is invited to contact the undersigned at (651) 733-2180.

Respectfully submitted,

/Nancy M. Lambert/

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